

REMARKS

Claims 1-3, 5-8, 10-13, 15, 16, 18, 19 and 22 are pending in this application. By this Amendment, claims 1-3, 5, 10, 11, 13, 15, 16, 18 and 22 are amended. The amendments introduce no new matter. Claims 4, 9, 14, 17, 20, 21 and 23 are canceled without prejudice to, or disclaimer of, the subject matter recited in those claims. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action, on page 2, rejects claims 1, 4, 5, 7-15, 17-21 and 23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0168973 to Dent et al. (hereinafter "Dent"). This rejection is respectfully traversed.

The Office Action generally asserts that Dent clearly discloses a mobile platform high-speed broadband communications system allegedly including the features recited in independent claims 1, 11 and 18. The analysis of the Office Action fails for at least the following reason.

Dent teaches a duplex satellite communication using a single frequency or pair for greater spectral efficiency by requiring just two frequencies for wireless communications between a first ground-based station and a second ground-based station via a satellite (Abstract). Dent teaches a low-bandwidth multi-frequency satellite-included communication system. Dent neither teaches, nor would it have suggested, the combinations of all of the features positively recited in at least independent claims 1, 11 and 18.

Claim 1 recites, among other features, a mobile communications terminal having a first antenna, the mobile communications terminal being mounted in a vehicle and two way communication with one or more individual data terminal devices in the vehicle and with a satellite through the first antenna; and a base station in two-way communication with the satellite, wherein a return signal is transmitted from the first antenna of the mobile

communications terminal via the satellite to the base station, and a forward link signal controlled by the base station is transmitted from the base station via the satellite and the first antenna to the mobile communications, the return signal and the forward link signal being transmitted on a same frequency and via a same transponder in the satellite, the forward link signal using a signaling break in a range from 512 kbps to 3.5 Mbps, and the return signal requesting and the forwarding signal enabling broadband communication with the one or more individual data terminal devices. Independent claims 11 and 18 recite similar features.

For at least its failure to teach all of the details of the above features including enabling broadband communication with one or more individual data terminal devices in a vehicle via a mobile communications terminal in the vehicle with all of the above-quoted details, Dent cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features positively recited in independent claims 1, 11 and 18. Further, claims 5, 7, 8, 10, 12, 13, 15 and 19 are also neither taught, nor would they have been suggested, by Dent for at least the respective dependence of these claims directly or indirectly on allowable base claims, as well as for the separately patentable subject matter that each of these claims recites.

Accordingly, reconsideration and withdrawal of the rejection of claims 1, 5, 7, 8, 10-13, 15, 18 and 19 under 35 U.S.C. §102(e) as being anticipated by Dent are respectfully requested.

The Office Action, on page 8, rejects claims 2, 3, 6, 16 and 22 under 35 U.S.C. §103(a) as being unpatentable over Dent in view of U.S. Patent No. 4,872,015 to Rosen. This rejection is respectfully traversed.

Rosen teaches a satellite communications system for mobile users (Abstract). Rosen is not applied in a manner that would overcome the above-identified shortfalls in the application of Dent to independent claims 1, 11 and 18. Additionally, Rosen uses multiple

frequencies in two different bands with combiners, filters, beam formers and other devices, which would not have been capable of facilitating the broadband communications regarding the subject matter of the pending claims.

Additionally, it is not as simple a matter as making a conclusory statement that one of ordinary skill in the art would have found it obvious "to incorporate the teachings of Rosen into the method of Dent in order to provide the advantage of frequency reusability and frequency addressability in the uplink and downlink transmissions of the mobile users." No such motivation is contained in either of the applied references, nor is any objective evidence of record provided to support this mere conclusion. The Federal Circuit, and most recently the Supreme Court quoting an essential holding of *In re Kahn*, have repeatedly reasserted that rejections of obviousness grounds cannot be based on mere conclusory statements, but rather some objective evidence must be provided as an articulated reasoning with some rational underpinning that the references could be combined in the manner suggested. The applicable standards are not met in this Office Action.

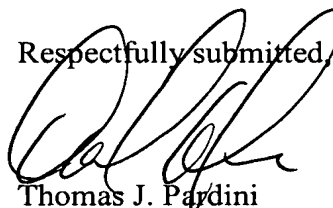
For at least the foregoing reasons, the Office Action fails to make a *prima facie* case for obviousness of the subject matter of the enumerated claims over the combination of applied references.

Accordingly, reconsideration and withdrawal of the rejection of claims 2, 3, 6, 16 and 22 under 35 U.S.C. §103(a) as being unpatentable over Dent in view of Rosen are respectfully requested.

In view of the foregoing, Applicants respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5-8, 10-13, 15, 16, 18, 19 and 22 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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TJP:DAT/cfr

Attachment:

Petition for Extension of Time

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